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Attorney for Defendant
JOSE AYALA-FLORES

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:20-CR-00156-RFB-DJA
)	
Plaintiff,)	
)	STIPULATION AND ORDER TO
v.)	CONTINUE SENTENCING
)	
JOSE ALFREDO AYALA-FLORES)	
)	(2 nd Request)
Defendants.)	

IT IS HEREBY STIPULATED by and between JOSE ALFREDO AYALA-FLORES, Defendant, by and through counsel DUSTIN R. MARCELLO, ESQ., and the United States of America, by and through, JACOB OPERSKALSKI, Assistant United States Attorney, that sentencing be continued from September 14, at 10 am, at a time convenient to the court, after 45-days. The stipulation is as follows:

1. Mr. Ayala-Flores is currently in custody.
2. Mr. Ayala-Flores is a Spanish speaker only.
3. Mr. Ayala-Flores consents to this request and does not object to the request to continue sentencing.
4. The PSR was obtained by counsel on May 5, 2023
5. Mr. Flores currently has a pending case out of Federal Court in Los Angeles.

- 1 6. Mr. Flores currently would like to have more time to understand the PSR, sentencing,
2 and the effect of this case on his other pending matter.
3
4 7. That after speaking to Mr. Flores' other counsel and meeting with Mr. Flores there are
5 still significant outstanding sentencing issues with his other case that would greatly
6 affect what is requested in this case.
7
8 8. Counsel has spoken to the Government and the Government has no objection and
9 stipulates to a continuance.
10
11 9. This is the second request to continue sentencing.

DATED this 8th day of September

Respectfully submitted.

PITARO & FUMO, CHTD.

JASON M. FRIERSON
UNITED STATES ATTORNEY

Is/Dustin R. Marcello, Esq.

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JOSE AYALA-FLORES

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UNITED STATES OF AMERICA,)	2:20-CR-00156-RFB-DJA
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Plaintiff,)	
)	
V.)	
JOSE ALFREDO AYALA-FLORES)	ORDER TO CONTINUE SENTENCING
.)	
)	
Defendants.)	

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Mr. Ayala-Flores is currently in custody.
2. Mr. Ayala-Flores is a Spanish speaker only.
3. Mr. Ayala-Flores consents to this request and does not object to the request to continue sentencing.
4. The PSR was obtained by counsel on May 5, 2023
5. Mr. Flores currently has a pending case out of Federal Court in Los Angeles.

6. Mr. Flores currently would like to have more time to understand the PSR, sentencing, and the effect of this case on his other pending matter.
7. That after counsel spoke to Mr. Flores' other counsel and meeting with Mr. Flores there are still significant outstanding sentencing issues with his other case that would greatly affect what is requested in this case.
8. Defense Counsel has spoken to the Government and the Government has no objection and stipulates to a continuance.
9. This is the second request to continue sentencing.

CONCLUSIONS OF LAW

The end of justice served by granting said continuance of sentencing outweigh the best interest of the public and defendant in a speedy resolution since the failure to grant said continuance would likely result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing taking into account the exercise of due diligence.

ORDER

IT IS ORDERED that sentencing currently scheduled for September 14, at the hour of 10 a.m., be vacated and continued to November 3, 2023 at 8:15 a.m.



U.S. DISTRICT JUDGE